

215305
215309

BALL JANIK LLP
A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

LOUIS E. GITOMER
OF COUNSEL
(202) 466-6532

lgitomer@dc.bjllp.com

January 5, 2006

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D. C. 20423

RE: Finance Docket No. 34421, *HolRail LLC-Petition for Exemption from 49 U.S.C. § 10901 to Construct and Operate a Rail Line in Orangeburg and Dorchester Counties, South Carolina*; Finance Docket No. 34421 (Sub-No. 1), *HolRail LLC-Petition For Crossing Authority Under 49 U.S.C. 10901(d)*

EXPEDITED HANDLING REQUESTED

Dear Secretary Williams:

CSX Transportation, Inc. ("CSXT") respectfully requests that the Surface Transportation Board (the "Board") to grant it an extension until February 24, 2006 to complete its reply to the Supplemental Evidence and Crossing Petition filed by HolRail LLC ("HolRail").

The proposal by HolRail is a matter of first impression before the Board and involves complex engineering issues. CSXT's analysis has been affected by the recently completed holiday season.

The Board is engaged in an extensive environmental review. The Draft Environmental Impact Statement has not been served to date. The Board also determined that it would be "inappropriate" to bifurcate the environmental review and authorization of the construction and operation of the line. Decision served October 20, 2004, at 2-3. HolRail filed its Supplemental Evidence and Crossing Petition almost 11 months after the Board's decision was served on October 20, 2004.

In another proceeding, the Board granted a full extension that was opposed by the petitioner because "an extension ... would neither affect the overall processing of the matter nor

Honorable Vernon A. Williams
January 5, 2006
Page 2

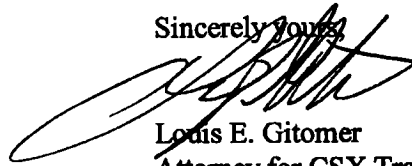
unduly prejudice petitioner.”¹ An extension of the time that CSXT has requested will not “affect the overall processing” because the environmental process will not be completed until well after the proposed extension. In addition, HolRail will not be prejudiced because it cannot begin construction until the environmental review is completed and HolRail has no right to reply to CSXT.

Sometime between the night of December 29, 2005 and the morning of December 30, 2005, two laptop computers were stolen from our offices in Washington, DC. One of the laptops stolen belonged to counsel for CSXT. After reporting the theft to the Metropolitan Police Department (Report CCN: 175-591 taken by Office Baker on December 30), counsel has been recreating and replacing the data from the laptop, which contained substantial records concerning the above-titled matter.

CSXT is efilng this letter. Thank you for your assistance.

If you have any questions, call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.

cc: Parties of record

¹ *New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway—Construction, Acquisition and Operation Exemption—in Wilmington and Woburn, MA*, STB Finance Docket No. 34797 (STB served December 20, 2005), at 2.